



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 4, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: ADDITION OF PART 7
(WATER CONSERVATION CUSTOMER REBATE PROGRAM)
TO THE RULES AND REGULATIONS OF THE
LOS ANGELES COUNTY WATERWORKS DISTRICTS
(SUPERVISORIAL DISTRICTS 3, 4, AND 5)
(3 VOTES)**

SUBJECT

This action is to authorize the addition of Part 7 to the Rules and Regulations of the Los Angeles County Waterworks Districts establishing a Water Conservation Customer Rebate Program.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS:**

1. Adopt the proposed Resolution for the addition of Part 7 to the Rules and Regulations of the Los Angeles County Waterworks Districts establishing a Water Conservation Customer Rebate Program that will provide financial incentives to the Districts' customers to purchase and install approved products to improve their water-use efficiency.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

2. Authorize the Acting Director of Public Works or his designee to accept rebate applications from customers for the installation of approved water conservation products purchased on or after January 1, 2008.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to authorize the Acting Director of Public Works or his designee to add Part 7 to the Rules and Regulations of the Los Angeles County Waterworks Districts (Districts) establishing a Water Conservation Customer Rebate Program (Program) and to accept rebate applications for the installation of approved water conservation products purchased on or after January 1, 2008. The Program will provide financial incentives to the Districts' customers who purchase and install preapproved products to improve their water-use efficiency to offset a portion of the cost of using these products.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1) by establishing water conservation programs that are responsive to our customers' needs and Fiscal Responsibility (Goal 4) by ensuring that the Districts' water conservation programs are cost-effective.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. The total annual cost for the Program is \$300,000. Sufficient funds for the Program's first year are available in the various Proposed Fiscal Year 2008-09 Waterworks Districts Budgets. Funds for the Program's future years will be included in the annual budget process for the Waterworks Districts Budgets. Costs for the Program will be allocated to the various Districts based on the number of customers utilizing the Program.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Adoption of this Resolution will authorize the Acting Director of Public Works or his designee to revise the Districts' Rules and Regulations in accordance with Division 16 of the California Water Code. The Resolution has been approved as to form by County Counsel.

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ENVIRONMENTAL DOCUMENTATION

Pursuant to Section 21065 of the Public Resources Code, the implementation of the Program will not cause a physical change in the environment and, therefore, does not constitute a project subject to the requirements of the California Environmental Quality Act.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The implementation of the Program will improve our customers' water-use efficiency and enhance the overall reliability of the Districts' water service. The proposed actions will not have a negative impact on existing services or planned projects.

CONCLUSION

Please return three adopted copies of this letter and three signed originals of the Resolution to the Department of Public Works, Waterworks Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a horizontal line.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DDE
AA:lr

Attachments (2)

c: County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, CALIFORNIA, AUTHORIZING THE ADDITION OF
RULE 7, WATER CONSERVATION CUSTOMER REBATE PROGRAM, TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICTS' RULES AND REGULATIONS**

WHEREAS, the County of Los Angeles Board of Supervisors (hereinafter referred to as BOARD) is the governing body of the Los Angeles County Waterworks Districts (hereinafter referred to as DISTRICTS); and

WHEREAS, Section 55333 of the California Water Codes states that the DISTRICTS may adopt and enforce all rules, regulations, and ordinances, which may be necessary and proper for the administration and government of the DISTRICTS; and

WHEREAS, the BOARD has adopted Rules and Regulations for the DISTRICTS (hereinafter referred to as RULES AND REGULATIONS); and

WHEREAS, the Urban Water Management Planning Act requires the DISTRICTS to plan and implement water demand management measures to improve water-use efficiency within its service areas; and

WHEREAS, the DISTRICTS are signatories to the California Urban Water Conservation Council's Memorandum of Understanding regarding Urban Water Conservation in California that requires implementation of 14 Best Management Practices, including customer rebate programs; and

WHEREAS, a survey of 1,200 DISTRICTS customers indicated that a rebate program would be effective to encourage water conservation; and

WHEREAS, the establishment of a Water Conservation Customer Rebate Program will provide the necessary financial incentives to the DISTRICTS' customers to purchase and install preapproved products to improve their water-use efficiency; and

WHEREAS, the Water Conservation Customer Rebate Program will be an integral component of the DISTRICTS' overall water conservation program that will enhance the reliability of water service to its customers; and

WHEREAS, the Water Conservation Customer Rebate Program will support and supplement County policies being developed in response to motions by the BOARD for green building, drought-tolerant landscaping, and low-impact development.

NOW, THEREFORE, BE IT RESOLVED, that the Acting Director of Public Works or his designee is hereby authorized to amend the RULES AND REGULATIONS to include Rule 7 (Attachment A to the accompanying Board letter) that defines the rules for the implementation of a water conservation customer rebate program within the DISTRICTS' service areas.

The foregoing Resolution was adopted on the 4th day of JUNE, 2008, by the Board of Supervisors of the County of Los Angeles acting as the governing body of the Los Angeles County Waterworks Districts.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By 
Deputy

PART 7 - WATER CONSERVATION CUSTOMER REBATE PROGRAM

SECTION A – STATEMENT OF POLICY AND DECLARATION OF PURPOSE

RULE

7-A-1 **STATEMENT OF POLICY:** It is the policy of the Districts to encourage its customers to purchase, install, and maintain products that conserve water in their homes, yards, and businesses.

7-A-2 **DECLARATION OF PURPOSE:** The purpose of this Part is to define the rules for the Water Conservation Customer Rebate Program within the Districts' service areas and the procedures for the promotion, application, funding, and distribution of customer rebates.

SECTION B – DEFINITIONS

7-B-1 **DEFINITIONS:** The following terms are defined for purposes of this Part:

7-B-2 "Applicant" means any customer of the Districts, residential, commercial or industrial, who submits a rebate application with the required proof of purchase documentation to the Districts.

7-B-3 "Approved Products" means the products approved by the Districts for a rebate. Such products are subject to change, at the discretion of the District Engineer or his designee, as new technologies become available or information about product effectiveness impacts product selection. At the inception of the program, the approved products include designated makes and models, available on the LACWaterworks.org website, of the following product categories:

1. Ultra-Low Flush Toilets
2. High-Efficiency Toilets
3. Waterless Urinals
4. High-Efficiency Clothes Washers
5. Weather-Based Irrigation Controllers
6. Drip Irrigation Systems
7. Artificial Turf
8. Rotating Sprinkler Heads

7-B-4 "Artificial Turf" means a synthetic turf replacement product that looks and feels like turf but requires no water. The rebate program applies only to approved products installed in place of existing irrigated turf. Artificial Turf installed in place of existing hardscape or other areas does not qualify. Approved Artificial Turf makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.

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- 7-B-5 "Districts" means the Los Angeles County Waterworks District No. 21, Kagel Canyon; Los Angeles County Waterworks District No. 29, Malibu, and the Marina del Rey Water System; Los Angeles County Waterworks District No. 36, Val Verde; Los Angeles County Waterworks District No. 37, Acton; and Los Angeles County Waterworks District No. 40, Antelope Valley.
- 7-B-6 "Drip Irrigation System" means a system that delivers not more than one gallon per hour to landscape plants. Approved Drip Irrigation System makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models for the program are subject to change at the discretion of the District Engineer or his designee.
- 7-B-7 "Funding Partner" means any outside agency, including State and Federal agencies, private companies, or other organizations that provides funding for the Water Conservation Customer Rebate Program to offset the costs and maximize the cost-effectiveness of the program.
- 7-B-8 "High-Efficiency Clothes Washer" means a make and model of clothes washer that conserves at least 30 gallons of water per wash compared to traditional models, as well as being designated a WaterSense and/or Energy Star product. Approved High-Efficiency Clothes Washer makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.
- 7-B-9 "High-Efficiency Toilet" means a make and model of toilet that uses 20 percent less water than an Ultra-Low Flush Toilet, or 1.28 gallons per flush or less. Approved High-Efficiency Toilet makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.
- 7-B-10 "Rebate" means a check issued to a District customer who has successfully completed a rebate application that has been approved by the Districts for one or more of the approved water conservation products included in the Water Conservation Customer Rebate Program. Rebate amounts will vary depending on the product purchased and installed.
- 7-B-11 "Rebate amount" means the amount provided to approved applicants for the purchase and installation of approved water conservation products. The District Engineer shall set the rebate amounts for each approved water conservation product and may adjust such amounts from time to time based on the cost-effectiveness of the program.

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- 7-B-12 "Rebate application" means a District form available in hard copy or downloadable from the LACWaterworks.org website that identifies the District customer, account number, service address, product purchased (including proof of purchase), installation date, and if deemed necessary by the Districts, proof of installation. This rebate application shall be submitted to the Districts for review, approval, and processing before a rebate is issued.
- 7-B-13 "Rotating Sprinkler Heads" means sprinkler nozzles that shoot multitrajectory, rotating streams, that apply water more slowly and uniformly than conventional sprayers, and can use 20 percent less water. In addition to reducing water use, the water jetting from these nozzles is more resistant to wind, less likely to mist, and significantly reduces runoff onto streets and sidewalk. Approved Rotating Sprinkler Head makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.
- 7-B-14 "Ultra-Low Flush Toilet" means a make and model of toilet that uses 1.6 gallons per flush or less. Approved Ultra-Low Flush Toilet makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.
- 7-B-15 "Water conservation products" means the products approved by the Districts as qualifying for the Water Conservation Customer Rebate Program. The District Engineer may revise or modify the approved product list, as well as add or eliminate products to the program, based on technological developments, actual program performance, and cost-effectiveness. Some approved water conservation products may only be eligible for rebates in specified portions of the Districts' service areas.
- 7-B-16 "Waterless Urinal" means urinal fixtures that do not require a water supply or flushing device to flush the contents of the fixture, cleanse the fixture, or refill the fixture trap. Approved Waterless Urinal makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.
- 7-B-17 "Weather-Based Irrigation Controller" means an irrigation system control unit that adjusts automatically based on real-time weather information, including precipitation and evapotranspiration rates. Approved Weather-Based Irrigation Controller makes and models shall be listed on the Districts' website and in printed materials. The approved makes and models are subject to change at the discretion of the District Engineer or his designee.

ATTACHMENT A

SECTION C – CUSTOMER REBATE PROGRAM

- 7-C-1 In accordance with the provisions of Section A, the Water Conservation Customer Rebate Program consists of a list of approved products, an application process that includes a requirement for customers to provide acceptable proof of purchase and installation, an application review and approval process, and the issuance of customer rebate checks by the Districts.
- 7-C-1a Prior to approving each rebate application, the Districts may set forth specific requirements as conditions of issuing a rebate check, including but not limited to on-site inspection by District personnel to ensure that the water conservation product has been installed properly.
- 7-C-1b The Customer Rebate Program shall be marketed to all customers within the portions of the Districts' service areas where the program is determined, in the opinion of the District Engineer or his designee, to be cost-effective. The water savings for the program are to be tracked and monitored based on participation.
- 7-C-2 The Districts may pursue outside funding from State, Federal, and/or other sources to offset the cost of the program. The District Engineer or his designee may opt to pursue such funding sources as deemed necessary to ensure that the program is cost-effective.
- 7-C-2a The District Engineer or his designee may discontinue the Water Conservation Customer Rebate Program, or portions thereof, if the program is determined not to be cost-effective.

SECTION D -PROCEDURES

- 7-D-1 REGULATIONS APPLIED TO DISTRICTS CUSTOMERS
- 7-D-1a Conditions: Upon submission of an application by a customer (herein referred to as "applicant") for a rebate, the Districts' Water Conservation Program Manager shall review the application and make a preliminary determination whether the product purchased and installed meets the rebate criteria as listed on the Districts' website and in printed materials.
- 7-D-1b Based upon such determination, the Water Conservation Program Manager will approve that a check for the rebate amount corresponding to the product purchased and installed be issued to the applicant.
- 7-D-1c The application information shall be stored in a database and used to track water conservation over time after installation of water conservation products.

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- 7-D-1d COSTS – The Districts shall finance the program with funds collected from excessive water-use billings established under the Districts' tiered water-rate structures. For Districts without a tiered water-rate structure, the program may be financed with general funds. The total of all rebates distributed to customers per fiscal year shall not exceed Three-Hundred Thousand Dollars (\$300,000).
- 7-D-4 NON-APPROVED WATER CONSERVATION PRODUCTS – On a case-by-case basis, upon application for a rebate for a nonapproved water conservation product, the Districts shall review the application and make a determination whether the applicant may qualify for a rebate. The determination shall be based upon the amount of water saved and cost-effectiveness. Based upon such determination, the application for the rebate shall be processed by the Districts.
- 7-D-5 OBJECTIONS AND APPEALS – An applicant for a water conservation rebate may file a notice of objection within thirty (30) days after being notified of ineligibility for the Customer Rebate Program. The applicant may request reconsideration of the determination or modification of the proposed conditions. The objection must be in writing to the District Engineer and should specify the reasons for the objection. The preliminary determination shall be final if a customer does not file a timely objection. The District Engineer or his designee shall review the objection and confirm, modify, or abandon the preliminary determination.

SECTION E – SANCTIONS

- 7-E-1 PENALTY – Any applicant who falsifies information on their rebate application or accepts a rebate check for the purchase or installation of a product he or she does not own or install at the approved service address, violates this Part and shall, for each day of violation, or portion thereof, be subject to a fine not exceeding One Hundred Dollars (\$100). In addition, any rebate funds received must be returned to the Districts within seven (7) business days.

SECTION F – VALIDITY

- 7-F-1 If any provision of this Part or the application thereof to any person or circumstance is held invalid, the remainder of Part and the application of such provisions to other persons or circumstances shall not be affected thereby.